

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NAZOKAT ATAKHANOVA, individually and on  
behalf of all others similarly situated,

Plaintiff,

Case No. 1:16-CV-06707-KAM-RML

vs.

HOME FAMILY CARE, INC.,

Defendant.

**Declaration of Marina Tkachuk in  
Opposition to Plaintiffs' Motion  
for Leave to Amend**

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Marina Tkachuk affirms the following under penalty of perjury:

1. I am the Human Resources Supervisor of the defendant, HOME FAMILY CARE, INC. ("HFC"), in the above-captioned matter. I submit this declaration in opposition to Plaintiffs' motion for leave to amend (the "Motion").
2. The accompanying Memorandum of Law addresses Defendant's legal arguments in detail.
3. I reviewed Plaintiffs' proposed Amended Complaint, particularly, THIRD CLAIM FOR RELIEF (NYLL §195, Brought by Plaintiff on Behalf of Herself and the Class Members) and find its accusations unsupported back facts.
4. Every new hire of HFC receives a written notice containing the new hire's regular rate of pay, his or her overtime rate of pay, the name of the employer, the physical address of the employer's main office, the telephone and facsimile numbers of the employer.
5. Every active employee of HFC, each year receives a written notice containing the employee's regular rate of pay, his or her overtime rate of pay, the name of the employer, the physical address of the employer's main office, the telephone and facsimile numbers of the employer.

6. When a given employee's rate of pay changes, that employee receives a new written notice containing the employee's new regular rate of pay, his or her new overtime rate of pay, the name of the employer, the physical address of the employer's main office, the telephone and facsimile numbers of the employer.

7. Annexed hereto as Exhibit 1M is a copy of the written notice's template used for new hires in 2018.

8. Annexed hereto as Exhibit 2M is a copy of the written notice the named plaintiff Atakhanova received in 2014.

9. Annexed hereto as Exhibit 3M is a copy of the written notice the named plaintiff Atakhanova received in 2016.

10. Annexed hereto as Exhibit 4M is a copy of the written notice the named plaintiff Atakhanova received in 2017.

WHEREFORE, it is respectfully requested that this court deny Plaintiffs' Motion its entirety.

Respectfully submitted this 31st day of October, 2018.

  
Marina Tkachuk